



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, बुधवार, 31 मार्च, 1993/10 चैत्र, 1915

हिमाचल प्रदेश सरकार

आबकारी व कराधान विभाग

अधिसूचना

शिमला, 26 मार्च, 1993

संख्या 7-77/92-ई० एक्स० एन-6217-254.—प्रथम नवम्बर, 1966 से ठीक पूर्व हिमाचल प्रदेश में समाविष्ट क्षेत्रों में तथा पंजाब पुनर्गठन अधिनियम, 1966 (1966 का 31) की धारा 5 के अधीन हिमाचल प्रदेश में जोड़े गए क्षेत्रों में यथा प्रवृत्त पंजाब आबकारी अधिनियम, 1914 (1914 का पंजाब अधिनियम संख्या 1) की धारा 59 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तथा इसके साथ पठित उक्त अधिनियम की धारा 9 के अधीन हिमाचल प्रदेश एक्साईज पाबर्ज एण्ड अपील आर्डरज, 1965 द्वारा निहित वित्तायुक्त की शक्तियों का प्रयोग करते हुए मैं, अजय मित्तल, आबकारी व कराधान आयुक्त, हिमाचल प्रदेश, एतद्द्वारा

हिमाचल प्रदेश लीकर लाईसेंस रूलज, 1986 (जिन्हें यहाँ इसके पश्चात् उक्त नियम कह कर सम्बोधित किया गया है) में प्रथम अप्रैल, 1993 से निम्नलिखित और संशोधन करता हूँ:—

संशोधन

1. In rule 11 of the said rules, the existing proviso shall be omitted.
2. After rule 18 of the said rules, the following rule 18-A shall be inserted, namely —
 “18-A. (1) The licences in form L-3, L-4 and L-5 shall be issued as a single unit and no licence will be issued independent or separate from the other.
 (2) The licences mention in sub-rule (1) shall be granted only to the hotels or hotels and restaurants having not less than ten residential rooms duly approved and registered with the Tourism Department.”
3. The existing clause (iii) of the rule 22 of the said rules, shall be substituted by the following, namely:—
 “(iii) The location of such wholesale vend shall be as far as possible near the L-14 and L-14-A vend premises of the same licence holder.”
4. In the existing first proviso to rule 30 of the said rules, for the letters, signs, figures and the word “L.9 and L.17” the letters, signs, figures and the word “L.3, L.4, L.5, L.9 and L.17” shall be substituted.
5. In rule 31 of the said rules the sign “.” occurring at the end shall be substituted by the sign “:” and thereafter, the following proviso shall be added, namely:—
 “Provided further that the provisions of levy and payment of interest as contained in rule 36 (26) (iv) shall apply *mutatis mutandis* in relation to the payment of fixed licence fee in respect of all the licences except those licences which are not renewable.”
6. In sub-rule (10) of rule 36 of the said rules, for the words, signs and figures “Rs. 100/-” the words, signs and figures “Rs.10,000/-” shall be and shall always be deemed to have been substituted with effect from the 9th day of March, 1993.
7. In sub-clause (c) of clause (i) of sub-rules (26) of rule 36 of the said rules, for the sign “.” occurring at the end, the sign “:” shall be substituted and thereafter, the following proviso shall be added, namely:—
 “Provided that in case the immediate cash deposit actually made under rule 36(19) is equivalent to 15% or more of the bid money, the successful bidder will not be required to make a separate deposit equivalent to 13.5% under sub-clause (a) and (b) of clause (i) of sub-rule 26 of this rule and out of the entire cash deposit so made, the part thereof equivalent to 13.5% of the annual licence fee shall be treated to be a deposit for the purposes of the sub-clauses (a) and (b) of this clause.”
8. The existing clause (iv) of sub-rule (26) of rule 36 of the said rule shall be substituted as under, namely:—
 “(iv) The amount equivalent to 86.5% of the licence fee shall be paid by the licensee in ten instalments. The successful bidder when granted a licence shall pay by the 25th of the

month in which he begins his business under his license and by the 20th of every subsequent month the instalment equal to 9% of the license fee and after having paid nine such instalments he shall pay the 10th instalment equivalent to 5.5% of the licence fee, till the entire amount of licence fee has been realised. In the event of his failure to pay the instalment or any part thereof by the due date, the Assistant Excise and Taxation Commissioner/Excise and Taxation Officer, Incharge of the District, may authorise the licensee to deposit the amount of the instalment or part thereof upto 19th of the respective next month after charging interest @24% per annum for a period of one month or a part thereof from the date of default in the payment of the licence fee *i. e.* from the 20th of the month onward till the default continued and in case the default in payment of licence fee exceeds one month, the interest shall be charged @ 30 % per annum from the initial date of default in the payment of licence fee *i. e.* 20th of the month onward till the default continued. The date of payment shall be included in the period for which the interest is to be charged.

If the licensee fails to deposit the instalment or instalment plus interest as the case upto the 19th of the next month, the vend would cease to be in operation on the 20th may be, of the following month. The Assistant Excise and Taxation Commissioner/Excise and Taxation Officer, Incharge of the District or any other officer authorised by him would ordinarily seal the vend on the 20th day of the following month. This shall be in addition to the penalty provisions that may be brought into operation against the licensee under the Punjab Excise Act, 1914 and rules framed there under:

Provided that if the licence is issued for a period less than a year the whole amount shall be paid in such number of equated monthly instalments as is less by one from the number of months for which the licence is granted by ignoring a fraction of month, if any, in counting the number of months :

Provided further that if the license is for a period of less than a month the whole of the licence fee shall be paid in lump-sum immediately after the bid is accepted."

9. In sub-rule (4) of rule 37 of the said rules for the sign "." occurring at the end of the sign ":", shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided that when the licensee submits his application, for approval of the premises and the name of the salesman, to the office of the Assistant Excise and Taxation Commissioner/Excise and Taxation Officer, Incharge of the District on or before 1st April and obtains an acknowledgement from the office of the Assistant Excise and Taxation Commissioner/Excise and Taxation Officer, Incharge of the District in token of having submitted the aforesaid application on or before 1st April, the submission of such application shall be deemed to be a provisional approval of the premises and the name of the salesman mentioned therein."

10. In sub-rule (10) of rule 37 of the said rules, the words, sings and letters "of the size of 1.2 square meters", shall be omitted.

11. (a) For clause (i) of sub-rule (31) of rule 37 of the said Rules, the following shall be substituted, namely:—

"(i) Except when otherwise permitted by the Financial Commissioner, the licensees for the sale of Indian Made Foreign Liquor and Country Spirit shall sell liquor in bottles of the following sizes only:—

- (a) reputed bottles of the capacity of 750 millilitres.
- (b) reputed pint bottles of the capacity of 375 millilitres.
- (c) reputed nip bottles of the capacity of 180 millilitres.

In the case of Indian made beer, cider and sweet wines the capacity of bottles shall be of 650 millilitres and 300 millilitres:

Provided that the licensees may store and sell imported foreign liquor, other than Indian made foreign liquor in bottles of less capacity, if they bear in conspicuous letters and figures the guaranteed quantity of its contents:

Provided further that the licensees may sell Mc. Dowell brands of Indian Made Foreign Liquor in bottles of the following sizes also:—

- (a) reputed bottles of the capacity of 1000 millilitres ;
- (b) reputed bottles of the capacity of 500 millilitres :

Provided further that the licensees of Country Spirit may sell the liquor also in pouches of the following sizes only :—

Polythene pouches of the capacity of 200 millilitres ;

- (b) For sub-clause (e) of clause (ii) of sub-rule (31) of rule 37 of the said rules, the following shall be substituted, namely:—

“(e) Country spirit 50 degree proof.”
Ordinary spirit

12. For clause (d) of sub-rule (20) of rule 38 of the said Rules, the following shall be substituted, namely:—

“(d) The licensee shall keep an adequate stock of all brands of Country Liquor in quarts, pints and nips of standard sizes viz. 750 Mls., 375 Mls., 180 Mls. and Polythene pouches of the capacity of 200 Mls. to meet at least one month's demand of retail sale licensees of Country Liquor of his vend sphere.”

13. For clause (b) of sub-rule (21) of rule 38 of the said Rules, the following shall be substituted, namely:—

“(b) The licensee shall sell Country Liquor in sealed bottles of standard size viz. 750 Mls., 375 Mls., 180 Mls. duly labelled and capsuled and Polythene pouches of the capacity of 200 Mls. as issued from wholesale vend for sale for consumption “off” the premises. In case of consumption “on” the premises, the sale will be by duly stamped peg measures of 60 Mls. and 30 Mls. each.”

14. In the SCHEDULE ‘A’ appended to the said rules for the existing items at serial Nos. 1, 2, 3 and 4, the following items shall be respectively substituted, namely:—

	Rs.
“1. L-1 for the vend of Foreign liquor to the trade only ..	1,50,000
2. L-1-A for the storage of liquor in bond combined with wholesale and retail sale vend of Foreign Liquor to the trade only and for a License in Form L-11 to bottle foreign liquor ..	1,50,000
3. L-3, L-4 and L-5 for the vend of foreign liquor in a hotel or dakhunglow, restaurant and a bar attached to a restaurant the following fixed fee shall be charged:—	
(a) In town/village with population upto 10,000 ..	40,000
	per annum.
(b) In town/village with population above 10,000 ..	65,000
	per annum.

4. L-3-A, L-4 A and L-5-A, the following fixed fee shall be charged:—

Rs.

(a) In town/village with population upto 10,000	Rs. 12,500
	per annum.
(b) In town/village with population above 10,000	Rs. 20,000
	per annum.

15. In the SCHEDULE 'B' appended to the said rule against L-3, L-4, L-5, L-3-A, L-4-A and L-5-A the rates of assessed fee on "Spirit-I. M. F. S. and Imported" and "Beer—Indian Made and Imported" shall be "Rs. 42.50 and Rs. 60.00" and "Rs. 1.50 and Rs. 2.00" respectively.

अजय मिश्र,
आबकारी व कराधान आयुक्त ।

[Authoritative English text of Himachal Pradesh Excise and Taxation Department Notification No. 7-77/92-EXN-6217-254, dated 26-3-1993 as required under clause (3) of Article 348 of the Constitution of India].

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Shimla, the 26th March, 1993

No. 7-77/92-EXN-6217-254.—In exercise of the powers conferred by section 59 of the Punjab Excise Act, 1914 (1 of 1914), as in force in the areas comprised in Himachal Pradesh immediately before 1st November, 1966 and the territories transferred to Himachal Pradesh under section 5 of the Punjab Re-organisation Act, 1966 (31 of 1966) and by virtue of the powers of the Financial Commissioner, conferred on me under section 9 of the said Act, read with the Himachal Pradesh (Excise Powers and Appeal) Orders, 1965, I, Ajay Mittal, Excise and Taxation Commissioner, Himachal Pradesh, hereby order the following further amendments in the Himachal Pradesh Liquor License Rules, 1986 (hereinafter referred to as the said rules) with effect from 1st April, 1993:—

AMENDMENTS

1. In rule 11 of the said rules, the existing proviso shall be omitted.

2. After rule 18 of the said rules, the following rule 18-A shall be inserted, namely:—

"18-A. (1) The licenses in form L-3, L-4 and L-5 shall be issued as a single unit and no license will be issued independent or separate from the other.

(2) The licenses mention in sub-rule (1) shall be granted only to the hotels or hotels and restaurants having not less than ten residential rooms duly approved and registered with the Tourism Department."

3. The existing clause (iii) of the rule 22 of the said rules, shall be substituted by the following, namely:—

"(iii) The location of such wholesale vend shall be as far as possible near the L-14 and L-14-A vend premises of the same license holder."

4. In the existing first proviso to rule 30 of the said rules, for the letters, signs, figures and the

word "L.9 and L.17" the letters, signs, figures and the word "L.3, L.4, L.5, L.9 and L.17" shall be substituted.

5. In rule 31 of the said rules the sign "." occurring at the end shall be substituted by the sign ":" and thereafter, the following proviso shall be added, namely:—

"Provided further that the provisions of levy and payment of interest as contained in rule 36 (26) (iv) shall apply *mutatis mutandis* in relation to the payment of fixed license fee in respect of all the licenses except those licenses which are not renewable."

6. In sub-rule (10) of rule 36 of the said rules, for the words, signs and figures "Rs. 100/-", the words, signs and figures "Rs.10,000/-" shall be and shall always be deemed to have been substituted with effect from the 9th day of March, 1993.

7. In sub-clause (c) of clause (i) of sub-rule (26) of rule 36 of the said rules, for the sign "." occurring at the end, the sign ":" shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided that in case the immediate cash deposit actually made under rule 36 (19) is equivalent to 15% or more of the bid money, the successful bidder will not be required to make a separate deposit equivalent to 13.5% under sub-clause (a) and (b) of clause (i) of sub-rule 26 of this rule and out of the entire cash deposit so made, the part thereof equivalent to 13.5% of the annual license fee shall be treated to be a deposit for the purposes of the sub-clauses (a) and (b) of this clause."

8. The existing clause (iv) of sub-rule (26) of rule 36 of the said rules shall be substituted as under, namely:—

"(iv) The amount equivalent to 86.5% of the license fee shall be paid by the licensee in ten instalments. The successful bidder when granted a license shall pay by the 25th of the month in which he begins his business under his license and by the 20th of every subsequent month the instalment equal to 9% of the license fee and after having paid nine such instalments he shall pay the 10th instalment equivalent to 5.5% of the license fee, till the entire amount of license fee has been realised. In the event of his failure to pay the instalment or any part thereof by the due date, the Assistant Excise and Taxation Commissioner/Excise and Taxation Officer, Incharge of the District, may authorise the licensee to deposit the amount of the instalment or part thereof upto 19th of the respective next month after charging interest @24% per annum for a period of one month or a part thereof from the date of default in the payment of the license fee i. e. from the 20th of the month onward till the default continued and in case the default in payment of license fee exceeds one month, the interest shall be charged @30% per annum from the initial date of default in the payment of license fee i. e. 20th of the month onward till the default continued. The date of payment shall be included in the period for which the interest is to be charged.

If the licensee fails to deposit the instalment or instalment plus interest as the case may be, upto the 19th of the next month, the vend would cease to be in operation on the 20th of the following month. The Assistant Excise and Taxation Commissioner/Excise and Taxation Officer, Incharge of the District or any other officer authorised by him would ordinarily seal the vend on the 20th day of the following month. This shall be in addition to the penalty provisions that may be brought into operation against the licensee under the Punjab Excise Act, 1914 and rules framed thereunder:

Provided that if the license is issued for a period less than a year the whole amount shall be paid in such number of equated monthly instalments as is less by one from the

number of months for which the license is granted by ignoring a fraction of month, if any, in counting the number of months :

Provided further that if the license is for a period of less than a month the whole of the license fee shall be paid in lump sum immediately after the bid is accepted."

9. In sub-rule (4) of rule 37 of the said rules for the sign "." occurring at the end the sign "." shall be substituted and thereafter the following proviso shall be added, namely:—

"Provided that when the licensee submits his application, for approval of the premises and the name of the salesman, to the office of the Assistant Excise and Taxation Commissioner/Excise and Taxation Officer Incharge of the District on or before 1st April and obtains an acknowledgement from the office of the Assistant Excise and Taxation Commissioner/Excise and Taxation Officer, Incharge of the District in token of having submitted the aforesaid application on or before 1st April, the submission of such application shall be deemed to be a provisional approval of the premises and the name of the salesman mentioned therein."

10. In sub-rule (10) of rule 37 of the said rules, the words, signs and letters "of the size of 1.2 square meters", shall be omitted.

11. (a) For clause (i) of sub-rule (31) of rule 37 of the said Rules, the following shall be substituted, namely:—

"(i) Except when otherwise permitted by the Financial Commissioner, the licensees for the sale of Indian Made Foreign Liquor and Country Spirit shall sell liquor in bottles of the following sizes only:—

- (a) reputed bottles of the capacity of 750 millilitres.
- (b) reputed pint bottles of the capacity of 375 millilitres.
- (c) reputed nip bottles of the capacity of 180 millilitres.

In the case of Indian made beer, cider and sweet wines the capacity of bottles shall be of 650 millilitres and 300 millilitres:

Provided that the licensees may store and sell imported foreign liquor, other than Indian made foreign liquor in bottles of less capacity, if they bear in conspicuous letters and figures the guaranteed quantity of its contents:

Provided further that the licensees may sell Mc. Dowell brands of Indian Made Foreign Liquor in bottles of the following sizes also:—

- (a) reputed bottles of the capacity of 1000 millilitres ;
- (b) reputed bottles of the capacity of 500 millilitres :

Provided further that the licensees of Country Spirit may sell the liquor also in pouches of the following sizes only:—

Polythene pouches of the capacity of 200 millilitres;

- (b) For sub-clause (e) of clause (ii) of sub-rule (31) of rule 37 of the said rules, the following shall be substituted, namely:—

"(e) Country spirit
Ordinary spiced

50 degree proof."

12. For clause (d) of sub-rule (20) of rule 38 of the said Rules, the following shall be substituted, namely:—

“(d) The license shall keep an adequate stock of all brands of Country Liquor in quarts, pints and nips of standard sizes viz. 750 Mls., 375 Mls., 180 Mls. and ploythene pouches of the capacity of 200 Mls. to meet at least one month’s demand of retail sale licensees of Country Liquor of his vend sphere.”

13. For clause (b) of sub-rule (21) of rule 38 of the said Rules, the following shall be substituted, namely:—

“(b) The licensee shall sell Country Liquor in sealed bottles of standard size viz. 750 Mls., 375 Mls., 180 Mls. duly labelled and capsuled and polythene pouches of the capacity of 200 Mls. as issued from wholesale vend for sale for consumption “off” the premises. In case of consumption “on” the premises, the sale will be by duly stamped peg measures of 60 Mls. and 30 Mls. each.”

14. In the SCHEDULE ‘A’ appended to the said rules for the existing items at serial Nos. 1, 2, 3 and 4, the following items shall be respectively substituted, namely:—

Rs.

“1. L-1 for the vend of Foreign liquor to the trade only ..	1,50,000
2. L-1-A for the storage of liquor in bond combined with wholesale and retail sale vend of Foreign Liquor to the trade only and for a License in Form L-11 to bottle foreign liquor ..	1,50,000
3. L-3, L-4 and L-5 for the vend of foreign liquor in a hotel or dakbunglow, restaurant and a bar attached to a restaurant the following fixed fee shall be charged:—	
(a) In town/village with population upto 10,000 ..	40,000
	per annum.
(b) In town/village with population above 10,000 ..	65,000
	per annum.
4. L-3-A, L-4-A and L-5-A the following fixed fee shall be charged:—	
(a) In town/village with population upto 10,000 ..	12,500
	per annum.
(b) In town/village with population above 10,000 ..	20,000
	per annum.

15. In the SCHEDULE ‘B’ appended to the said rules against L-3, L-4, L-5, L-3-A, L-4-A and L-5-A the rates of assessed fee on “Spirit-I. M. F. S. and Imported” and “Beer—Indian Made and Imported” shall be “Rs. 42.50 and Rs. 60.00” and “Rs. 1.50 and Rs. 2.00” respectively.

AJAY MITTAL,
Excise and Taxation Commissioner.